

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KELLY BLUM,

Plaintiff,

v.

AMERICAN MEDICAL SYSTEMS,
INC.; AMERICAN MEDICAL
SYSTEMS HOLDINGS, INC.; ENDO
PHARMACEUTICALS, INC.; ENDO
PHARMACEUTICALS HOLDINGS,
INC.; ENDO HEALTH SOLUTIONS,
INC.; CALDERA MEDICAL, INC.;
and DOES 1-200;

Defendants.

No. 2:15-cv-01033-GEB-KJN

**ORDER TO SHOW CAUSE AND
CONTINUING STATUS (PRETRIAL
SCHEDULING) CONFERENCE; FED. R.
CIV. P. 4(M) NOTICE**

The May 13, 2015, Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case on August 3, 2015, and required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. The May 13, 2015 Order further required a status report be filed regardless of whether a joint report could be procured. No status report was filed as ordered.

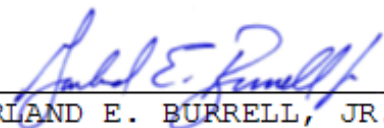
Therefore, Plaintiff is Ordered to Show Cause ("OSC") in a writing to be filed no later than August 7, 2015, why sanctions should not be imposed against her and/or her counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file a timely status report. The written response

1 shall also state whether Plaintiff or her counsel is at fault,
2 and whether a hearing is requested on the OSC.¹ If a hearing is
3 requested, it will be held on October 26, 2015, at 9:00 a.m.,
4 just prior to the status conference, which is rescheduled to that
5 date and time. A status report shall be filed no later than
6 fourteen (14) days prior to the status conference.

7 Further, Plaintiff is notified under Rule 4(m) of the
8 Federal Rules of Civil Procedure that failure to serve each
9 Defendant with process within the 120 day period prescribed in
10 that Rule may result in the unserved defendant(s) and/or this
11 action being dismissed. To avoid dismissal, on or before
12 September 11, 2015, Plaintiff shall file proof of service for
13 each defendant or a sufficient explanation why service was not
14 completed within Rule 4(m)'s prescribed service period.

15 IT IS SO ORDERED.

16 Dated: July 28, 2015

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20 GARIAND E. BURRELL, JR.
21 Senior United States District Judge
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26 ¹ "If the fault lies with the attorney, that is where the impact of
27 sanction should be lodged. If the fault lies with the clients, that is where
28 the impact of the sanction should be lodged." In re Sanction of Baker, 744
F.2d 1438, 1442 (10th Cir. 1984), cert. denied, 471 U.S. 1014 (1985).
Sometimes the faults of attorneys, and their consequences, are visited upon
clients. Myers v. Shekter (In re Hill), 775 F.2d 1385, 1387 (9th Cir. 1985).